SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY FOR REISSUE APPLICATION

We, Paul R. Burnett, John E. van Hamont, Robert H. Reid, Jean A. Setterstrom, Thomas C. Van Cott, and Deborah Birx hereby declare that we are citizens of the United States and that our residences are as stated below next to our names. We believe that we are the original joint inventors of the invention entitled VACCINES AGAINST INTRACELLULAR PATHOGENS USING ANTIGENS ENCAPSULATED WITHIN BIODEGRADABLE-BIOCOMPATIBLE MICROSPHERES described and claimed in our original application No. 08/598,874 filed February 9, 1996, and the resulting United States Patent No. 5,762,965 which issued June 9, 1998 ("the '965 patent"), for which priority was claimed. The "965 patent" is a continuation in part of Ser. No. 242,960, filed May 16, 1994 and Ser. No. 08/446,149, filed May 22, 1995, which is a continuation of Ser. No 590,308, filed March 16, 1984, abandoned, said Ser. No. 242,960, is a continuation-in-part of Ser. No. 867,301, files April 10, 1992, Patent No. 5,417,986, which is a continuation-in-part of Ser. No. 805,721, filed November 21, 1991, abandoned, which is a continuation-in-part of Ser. No. 690,485, filed April 24, 1991, abandoned, which is a continuation-in-part of Ser. No. 521,945, filed May 11, 1990, abandoned and for which invention a reissue patent is solicited.

We do not know and do not believe that the invention of the '965 patent' was ever known or used in the United States before our invention thereof. Furthermore, we do not know and do not believe that the invention was patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application. We do not know and

do not believe that the invention was in public use or on sale in the United States more than one year prior to the original application. To the best of our knowledge and belief, this invention has not been patented or made the subject of an inventors' certificate in any country foreign to the United States prior to the date of the original application on an application filed by us or our legal representatives or assigns more than 12 months before our original application.

We have reviewed and understand the contents of the specification that was filed on June 2, 2000, including the claims, as amended by the amendment of claim 7, 11, 13, the addition of new claims 15-33 ; the specification as amended by underlining additions and bracketing deletions, and the second amendments to claims 7 and 11 filed herewith. We acknowledge the duty to disclose information of which we are aware and which is material to the examination of the application in accordance with 37 C.F.R. §§ 1.56(a) and 1.175(a) (7).

We believe that through error, without any deceptive intent, the '965 patent is partially inoperative or invalid by reason of the patentee claiming less than the patentee had the right to claim in the patent and the presence of improper multiple dependent claims. In particular, there is a possible defect in that the patentees claimed less than patentees had the right to claim in the patent. Further, claims 7, 11 and 13 appear to be in improper multiple dependent form.

These possible errors arose without deceptive intent during prosecution of the application before the United States Patent and Trademark Office. Upon reviewing the issued claims we realized that the claims did not cover all of the subject matter that the we believe we are entitled to and that claims 7, 11 and 13 are in improper multiple dependant form.

Therefore, by reason of the above-described error, Applicants believe the original patent to

be partly inoperative or invalid by reason of the patentees claiming less than patentees had the right to claim in the patent and the claims are possibly not broad enough to cover all aspects of the invention disclosed in the patent. The possible invalidity of the patent resulted from a failure by ourselves, the assignee and counsel to realize the totality of the subject matter that should have been claimed. By this reissue application, the identified errors are believed to be corrected.

All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicants.

Wherefore we request that we may be allowed to surrender, and we hereby offer to surrender, said U.S. Letters Patent No. 5,762,965 and request that Letters Patent be reissued to ourselves and the assignee, The United States of America as represented by the Secretary of the Army, for the same invention upon the foregoing amended reissue application.

We hereby declare further that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true. We further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint Elizabeth Arwine, (Reg. No. 45,867), of the U.S. Army Medical Research and Materiel Command, 504 Scott Street, ATTN: MCMR-JA, Fort Detrick, MD 22702 and Caroline Nash (Reg. No. 36,329) and Marlana K. Titus (Reg. No. 35,843) of Nash & Titus, LLC, 3415 Brookeville Road, Suite 1000, Brookeville, Maryland 20833, (301) 924-9500 or (301)

924-9600 (all communications are to be directed to Nash & Titus, LLC) individually and collectively as our attorneys to prosecute this application and to transact all business in the Patent and Trademark office connected therewith and with the resultant Patent.

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